NORTH AMERICA. No. 9 (1873).

(G.)

NORTH-WEST AMERICAN WATER BOUNDARY.

CORRESPONDENCE

RESPECTING THE

AWARD OF THE EMPEROR OF GERMANY

IN THE

MATTER OF THE BOUNDARY LINE

BETWEEN

GREAT BRITAIN AND THE UNITED STATES,

UNDER THE TREATIES OF WASHINGTON OF JUNE 15, 1846,
AND MAY 6, 1871.

Presented to both Houses of Parliament by Command of Her Majesty.
1873.

LONDON:
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Correspondence respecting the Award of the Emperor of Germany in the matter of the Boundary Line between Great Britain and the United States, under the Treaties of Washington of June 15, 1846, and May 6, 1871.

No. 1.

Lord Odo Russell to Earl Granville.—(Received October 17.)

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My Lord,

Berlin, October 14, 1872.

MR. BANCROFT called on me to propose that we should "jointly in one note, or in identical notes," request the German Government, before the Arbitrator's decision in the San Juan question be communicated to us, to inform us of the amount of legal expenses incurred, which, according to Article XLI of the Washington Treaty, we are to pay in equal moieties.

Although the text of Article XLI fully justifies Mr. Bancroft's suggestion, as the words are "the Arbitrator shall be requested to deliver, together with his Award," &c., and that the account cannot be delivered with the Award, since it has not yet been asked for, I requested Mr. Bancroft to let me refer previously to the Foreign Office for your Lordship's sanction before I complied with his request.

I have, &c.

(Signed) ODO RUSSELL.

No. 2.

Lord Odo Russell to Earl Granville.—(Received October 28.)

My Lord,

Berlin, October 21, 1872.

WITH reference to my despatch of the 14th instant, and to your Lordship's telegram of the 19th instant, I have the honour to inclose herewith copy of the note which, conjointly with Mr. Bancroft, I have this day addressed to M. de Balan, requesting that we may be furnished, together with the Award, with the account of the costs which may have been incurred in relation to the San Juan Arbitration.

I have, &c.

(Signed) ODO RUSSELL.

Inclosure in No. 2.

Lord Odo Russell to M. Balan.

THE Undersigned, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary Agent of the United Kingdom of Great Britain and Ireland at Berlin under the Treaty of Washington of June 8, 1871, has the honour to request his Excellency M. de Balan, Actual Privy Councillor, charged with the conduct of the Foreign Office, that, in accordance with the provisions contained in Articles XXXIX, XL, and XLI of the said Treaty, there may be delivered to the Undersigned, with the Award which shall be made in pursuance of said Treaty, an account of all the costs and expenses which shall have been incurred in relation to the

matter, to the end that they may be discharged by the two Governments in equal moieties, as provided by said Treaty.

The Undersigned, &c. (Signed) ODO RUSSELL.

Berlin, October 21, 1872.

No. 3.

Lord Odo Russell to Earl Granville.—(Received October 28.)

My Lord, *Berlin, October* 23, 1872, 11·45 P.M.

I HAVE the honour to transmit herewith to your Lordship by Admiral Prevost the Decision and Award of the Emperor of Germany respecting the true interpretation of the Treaty of June 15, 1846, which, in accordance with the XXXVth Article of the Treaty of Washington, is given in writing, signed by His Majesty, and dated on the 21st instant, and is forwarded to me by M. de Balan, in a letter dated to-day, the 22nd instant, which has just been handed in at this Embassy.

I have, &c.

(Signed) ODO RUSSELL.

Inclosure 1 in No. 3.

M. de Balan to Lord Odo Russell.

(Translation.) *Berlin, October* 23, 1872.

HIS Imperial and Royal Majesty having, in accordance with the Treaty of Washington of May 8, 1871, given His Royal Award in the Boundary Question at issue between Great Britain and the United States, the Undersigned has the honour herewith to transmit to his Excellency Her Britannic Majesty's Ambassador, Lord Odo Russell, the Award in writing, informing him at the same time that a similar document has been forwarded to the Envoy of the United States at this Court.

The Undersigned, &c. (Signed) BALAN.

Inclosure 2 in No. 3.

Award of His Majesty the Emperor of Germany on the San Juan Boundary Question.

WIR, WILHELM, von Gottes Gnaden, Deutscher Kaiser, König von Preussen, &c., &c., &c.

Nach Einsicht des zwischen den Regierungen Ihrer Britischen Majestät und der Vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 6ten* Mai, 1871, Inhalts dessen die gedachten Regierungen die unter ihnen streitige Frage: ob die Grenzlinie, welche nach dem Vertrage de dato Washington den 15ten Juni, 1846, nachdem sie gegen Westen längs des 49ten Grades Nördlicher Breite bis zur Mitte des Kanals, welcher das Festland von der Vancouver Insel trennt, gezogen worden, südlich durch die Mitte des gedachten Kanals und der Fuca-Meerenge bis zum Stillen Ocean gezogen worden soll, durch den Rosario-Kanal, wie die Regierung Ihrer Britischen Majestät beansprucht, oder durch den Haro-Kanal, wie die Regierung der Vereinigten Staaten beansprucht, zu ziehen sei, Unserem Schieds-spruche unterbreitet haben, damit Wir endgültig und ohne Berufung entscheiden, welcher dieser Ansprüche mit der richtigen Auslegung des Vertrages vom 15ten Juni, 1846, am meisten im Einklange stehe;

Nach Anhörung des Uns von den durch Uns berufenen Sach- und Rechtskundigen über den Inhalt der gewechselten Denkschriften und deren Anlagen erstatteten Vortrages,

Haben den nachstehenden Schiedsspruch gefällt:—

Mit der richtigen Auslegung des zwischen den Regierungen Ihrer Britischen Majestät und der vereinigten Staaten von Amerika geschlossenen Vertrages de dato Washington den 15ten Juni, 1846, steht der Anspruch der Regierung der Vereinigten Staaten am meisten im Einklange, dass die Grenzlinie zwischen den Gebieten

* *Sic in orig.* Query, May 8?

Ihrer Britischen Majestät und den Vereinigten Staaten durch den Haro-Kanal gezogen werde.

Urkundlich unter Unserer Höchsteigenhändigen Unterschrift und beigedrucktem Kaiserlichen Insiegel.

Gegeben Berlin den 21ten October, 1872.

(Signed) WILHELM.

(Translation.)

WE, WILLIAM, by the Grace of God German Emperor, King of Prussia, &c., &c., &c.

After examination of the Treaty between the Governments of Her Britannic Majesty and that of the United States of America, dated at Washington May 6th,* 1871, by virtue of which the above-named Governments have submitted to Our Arbitrator the question at issue between them, viz., whether the line of boundary which, according to the Treaty dated at Washington June 15, 1846, after it had been continued westward along the 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, shall be further drawn southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean, should run, as claimed by the Government of Her Britannic Majesty, through the Rosario Straits, or through the Canal of Haro, as claimed by the Government of the United States, in order that We should decide finally and without appeal which of these claims is most in accordance with the true interpretation of the Treaty of June 15, 1846:—

Have, after taking into consideration the statement of the experts and jurists appointed by Us to report upon the contents of the respective cases and counter-cases, with their inclosures, given the following decision:—

The claim of the Government of the United States, viz., that the line of boundary between the dominions of Her Britannic Majesty and the United States should be run through the Canal of Haro—is most in accordance with the true interpretation of the Treaty concluded between the Government of Her Britannic Majesty and that of the United States of America, dated at Washington June 15, 1846.

Given under Our Hand and Seal at Berlin, October 21, 1872.

(Signed) WILLIAM.

No. 4.

Lord Odo Russell to Earl Granville.—(Received November 5.)

My Lord. *Berlin, November* 2, 1872.

WITH reference to my despatch of the 21st instant, in which I informed your Lordship that, conjointly with Mr. Bancroft, I had addressed a note to the Imperial Government, requesting that we might be furnished with the account of the costs which might have been incurred in relation to the San Juan Arbitration, I have the honour to inclose translation of M. de Balan's reply, in which his Excellency very courteously informs me that no costs or expenses have been incurred by his Government in the matter.

I have, &c.

(Signed) ODO RUSSELL.

Inclosure in No. 4.

M. de Balan to Lord Odo Russell.

(Translation.) *Berlin, November* 1, 1872.

IN the note which Her Britannic Majesty's Ambassador, Lord Odo Russell, was good enough to address to the Undersigned on the 21st ultimo, communication was requested of the amount of costs and expenses incurred by this country in the boundary question between Great Britain and the United States.

* *Sic in orig.* Query, May 8?

In reply to this inquiry, the Undersigned, while expressing his thanks for thi courteous offer, has the honour to inform his Excellency Lord Odo Russell that no costs or expenses have been incurred by this country in the matter referred to.

The Undersigned, &c. (Signed) BALAN.

No. 5.

Viscount Enfield to Mr. Herbert.

Sir, *Foreign Office, November* 7, 1872.

I TRANSMITTED to you on the 31st ultimo, by Earl Granville's direction, printed copies of the Award delivered by the Emperor of Germany on the 21st ultimo upon the San Juan Water Boundary, deciding that the line of boundary should run through the Haro Channel.

The XXXVth Article of the Treaty of Washington provides that "the Award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive, and full effect shall be given to such Award without any objection, evasion, or delay whatsoever," and it "shall be considered as operative from the day of the date of the delivery thereof;" and I am accordingly to request that you will move the Earl of Kimberley to cause copies of the Award to be forwarded with as little delay as possible to the Governor of the Dominion of Canada and to the Lieutenant-Governor of British Columbia with a request that proper notification of it may be made and effect given to it.

For the latter purpose I have, by Lord Granville's direction, written a letter to the Admiralty, of which a copy is inclosed,* requesting that instructions may be given for the immediate withdrawal of the detachment of Royal Marines now stationed on the Island of San Juan; and I am to suggest that the Governor of the Dominion of Canada and the Lieutenant-Governor of British Columbia should be informed that these instructions will be given.

I am also to transmit to you, for Lord Kimberley's information, a copy of a despatch which Lord Granville has addressed to Sir E. Thornton respecting the Award,† in which he is instructed to propose to the Government of the United States that the work of the former Boundary Commission should be resumed and completed by the preparation of a map or chart showing the exact line of boundary under the Treaty of 1866, and the Emperor's Award.

I am, &c.
(Signed) ENFIELD.

No. 6.

Viscount Enfield to the Secretary to the Admiralty.

Sir, *Foreign Office, November* 8, 1872.

I AM directed by Earl Granville to transmit to you herewith, to be laid before the Lords Commissioners of the Admiralty, a copy of the Award delivered by the Emperor of Germany on the 21st ultimo upon the San Juan Water Boundary, deciding that the line of boundary should run through the Haro Channel; and I am to request that you will move their Lordships to cause a copy of this Award to be communicated with as little delay as possible to the Admiral in command of the Pacific station or to the Chief Naval Officer at Vancouver's Island, with instructions that, in accordance therewith, the detachment of Royal Marines now stationed at the island of San Juan should be at once withdrawn; and I am to suggest that, in making this communication to the Admiral or Chief Naval Officer, their Lordships should request him to convey to the officer in command of the detachment and to the men under his orders the appreciation of Her Majesty's Government of the harmonious manner in which the joint occupation has been conducted, which reflects the greatest credit on the officers and men of the occupying force of both countries.

I am, &c.
(Signed) ENFIELD.

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* No. 6. † No. 7.

No. 7.

Earl Granville to Sir E. Thornton.

Sir, *Foreign Office, November* 8, 1872.

I TRANSMIT to you herewith copies of letters which I have caused to be addressed to the Colonial Office and Admiralty,* inclosing copies of the Award of the Emperor of Germany on the San Juan Water Boundary, and requesting that effect may be given to it with as little delay as possible by the withdrawal of the detachment of Royal Marines from the Island of San Juan, and the due notification of the Award to the proper Colonial authorities.

I have to instruct you to communicate the substance of the instructions which will be given in accordance with these letters to the Government of the United States, and at the same time to propose that the work of the Boundary Commission, which was interrupted in 1859, should be resumed and completed by the preparation of a map or chart showing the exact position of the boundary line from the Gulf of Georgia through the Haro Channel to the ocean, under the Treaty of 1846, and the Award of the Emperor of Germany.

Her Majesty's Government consider that, in compliance with the XXXVth Article of the Treaty of Washington this should be done with as little delay as possible, in order to give effect to the Emperor's Award. They presume that the surveys which have already been made will render it unnecessary for another Commission to meet on the spot, but they leave the details of the arrangement to be made for the completion of the work of the Commission for further consideration.

I am, &c.
(Signed) GRANVILLE.

No. 8.

Earl Granville to Lord Odo Russell.

My Lord, *Foreign Office. November* 11, 1872.

I RECEIVED, on the 28th ultimo, your Excellency's despatch of the 23rd of October, forwarding the Decision and Award of the Emperor of Germany respecting the true interpretation of the Treaty of June 15, 1846, between Great Britain and the United States; and I have to instruct you to convey to His Imperial Majesty the thanks of Her Majesty's Government for the friendly motives which induced him to undertake the arduous task of arbitration in this matter.

At the time when His Majesty's acceptance of the responsibility was solicited, Her Majesty's Government had every confidence in the judgment of so experienced and enlightened a Sovereign; and, in now begging to convey to the Emperor their thanks for the obligation conferred upon them, they can only add the expression of their sincere regret at the labour which has been entailed on His Majesty by his condescension in accepting the post of Arbiter.

I am, &c.
(Signed) GRANVILLE.

No. 9.

Lord Odo Russell to Earl Granville.—(Received November 11.)

My Lord, *Berlin, November* 9, 1872.

A STATEMENT appeared in the "New York Herald" to the effect that "the written judgment on the San Juan Award had been prepared, and awaited only the signature of the Royal Arbitrator to render it complete and final, but that a delay had arisen through the British Ambassador at the Court of Berlin, Lord Odo Russell, who, aware of the nature of the decision, endeavoured, in the interests of his Government, to modify the judgment or defeat its settlement," &c.

I should not have noticed this statement if I had not seen it repeated in our own newspapers; and although it may appear unnecessary to tell your Lordship that I never was engaged in any intrigue to persuade the Emperor to give an award

* Nos. 5 and 6.

different from that which a sense of justice would impel him to do, I think it right to place on record in the archives of the Foreign Office that I altogether deny the statement, which is false and utterly without foundation.

I never interfered directly or indirectly to influence the judgment which His Imperial Majesty might pronounce on the question submitted to his decision.

I have, &c.
(Signed) ODO RUSSELL.

No. 10.

Earl Granville to Lord Odo Russell.

My Lord, *Foreign Office, November* 11, 1872.

I HAVE received and laid before the Queen your Excellency's despatch of the 9th instant, relative to a statement which appeared in the "New York Herald" and was copied into the English newspapers respecting an alleged attempt on your part to influence the decision of the Emperor of Germany on the San Juan question, and I have read your formal contradiction of this statement with satisfaction. Although the denial was not necessary, and no one in England attached any importance to the unfounded rumour, it is well to have the refutation of it on record.

I am, &c,
(Signed) GRANVILLE.

No. 11.

Mr. Holland to Viscount Enfield.—(Received November 12.)

Sir, *Downing Street, November* 12, 1872.

I AM directed by the Earl of Kimberley to acknowledge the receipt of your letter of the 7th instant, received on the 9th, respecting the steps to be taken to give effect to the Award of the Emperor of Germany in the San Juan Arbitration case.

I am desired to state, for the information of Earl Granville, that copies of the Award were communicated to the Governor-General of Canada by the mail of the 7th, and to the Lieutenant-Governor of British Columbia by that of the 1st instant.

A copy of your letter now under acknowledgment will be communicated to them by the next mails to Canada and British Columbia respectively, for their information and guidance, and they will be instructed to take care that proper notification is made of the Emperor's Award and effect given to it.

I am, &c.
(Signed) H. T. HOLLAND.

No. 12.

Earl Granville to Admiral Prevost.

Sir, *Foreign Office, November* 16, 1872.

I HAVE to convey to you the thanks of the Queen and of Her Majesty's Government for the zeal and ability which you have displayed in the preparation of the Case and the Counter-Case presented to His Majesty the Emperor of Germany on behalf of Great Britain in maintenance of the claims of this country to the line of water boundary separating the Continent of North America from Vancouver's Island which were referred to His Majesty's Arbitration under the XXXIVth Article of the Treaty of Washington.

The efficient manner in which your duties, as Boundary Commissioner, were discharged under circumstances requiring the exercise of great tact as well as scientific attainments of high order, has been acknowledged by previous Secretaries of State, and it gives me much pleasure to add this approval of your labours throughout the recent Arbitration.

A copy of this letter will be forwarded to the Lords Commissioners of the Admiralty.

I am, &c.
(Signed) GRANVILLE.

No. 13.

The Secretary to the Admiralty to Viscount Enfield.—(Received November 20.)

Sir,

Admiralty, November 18, 1872.

WITH reference to your letter of the 8th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that the necessary intimation of the Award delivered by the Emperor of Germany upon the San Juan Water Boundary has been communicated to the Commander-in-chief in the Pacific and the Senior Naval Officer at Esquimalt, and that instructions have been forwarded both by telegraph and by letter for the withdrawal to Esquimalt of the detachment of Royal Marines stationed on San Juan Island.

I am, &c.

(Signed) VERNON LUSHINGTON.

P.S. *November* 19.—A telegram has this day been received from the Senior Naval Officer at Esquimalt, acknowledging the receipt of the orders above alluded to, and stating that all dispatch would be used in carrying them out.

V. L.

No. 14.

The Secretary to the Admiralty to Viscount Enfield.—(Received November 23.)

Sir,

Admiralty, November 23, 1872.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Granville, that on the 21st instant telegraphic instructions were sent for the withdrawal of Captain Delacombe with the detachment of Royal Marines under his orders from the Island of San Juan, and for Captain Delacombe to remain at Esquimalt to certify to lands at San Juan, as requested by the Colonial Office.

2. I am further to state that a telegram has this morning been received reporting that the above orders have been carried out, that the detachment of Marines have evacuated the Island of San Juan and that the camp is clear.

I am, &c.

(Signed) VERNON LUSHINGTON.

No. 15.

Earl Granville to Lord Odo Russell.

My Lord,

Foreign Office, November 25, 1872.

I HAVE received your Excellency's despatch of the 2nd instant, inclosing a copy of a note from M. de Balan, informing you, in reply to the inquiry which, conjointly with the United States' Minister, you had addressed to his Excellency, that no costs or expenses had been incurred by the Prussian Government in respect of the San Juan Arbitration; and I have to instruct your Excellency in conveying to M. de Balan the thanks of Her Majesty's Government for his courtesy in regard to this affair, to express the sense which they entertain of the generosity shown by the German Government in declining to allow Her Majesty's Government to make any payment on account of the expenses of the arbitration.

I am, &c.

(Signed) GRANVILLE.

No. 16.

The Secretary to the Admiralty to Viscount Enfield.—(Received November 29.)

Sir,

Admiralty, November 28, 1872.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Granville, that a telegram has this day been

received from the Senior Naval Officer at Esquimalt, stating that the camp and buildings hitherto occupied by the detachment of Marines stationed on San Juan Island had been handed over to the Americans.

I have, &c.
(Signed) ROBERT HALL.

No. 17.

Earl Granville to Sir E. Thornton.

Sir, *Foreign Office, November* 29, 1872.

IN my despatch of the 8th instant I stated that Her Majesty's Government would leave the details of the arrangement to be made for the completion of the work of the North-West American Water Boundary Commission for further consideration.

I have now to state to you that it appears to Her Majesty's Government that the work of the Boundary Commissioners should be resumed by the reappointment of Commissioners on the part of the respective Governments, who should meet and proceed with as little delay as possible to compare and examine the charts and surveys already prepared by the Commissioners appointed in 1856, and lay down upon maps in duplicate, to be subsequently signed by them and recorded in a Protocol, the actual line of water boundary in accordance with Article I of the Treaty of June 15, 1846, and the Award of the Emperor of Germany.

Her Majesty's Government will be prepared at once to reappoint for the purpose Admiral Prevost, to be assisted as on the former occasion by Admiral Richards, the hydrographer of the Board of Admiralty, and would be glad to know whether the Government of the United States are also ready to name a Commissioner.

Her Majesty's Government are informed that the charts and surveys have been so far completed as to render any further local examination of the boundary unnecessary, and they do not anticipate that many meetings of the Commissioners would be required. They therefore propose that the meetings should take place in London or in Europe; but if the United States' Government express a strong opinion on the matter, they would not object to the Commissioners meeting in the United States.

They, however, consider it of importance, in order to give due and early effect to the Award, under the XXXVth Article of the Treaty, that the matter should be forthwith proceeded with.

I am, &c.
(Signed) GRANVILLE.

No. 18.

Sir E. Thornton to Earl Granville.—(Received December 1.)

My Lord, *Washington, November* 18, 1872.

WHEN I was at the State Department on the 14th instant, Mr. Fish asked whether I was acquainted with the views of Her Majesty's Government with regard to the withdrawal of the British force now in the Island of San Juan, so as to leave the United States in full possession of that island. He said that he made this inquiry because, in consequence of the Award of the Emperor of Germany, it would be necessary to enter upon arrangements for the collection of the revenue, for establishing Courts of Justice, and for other matters; indeed, a telegram had already been received by the Treasury Department from the Governor of Washington Territory, inquiring whether duties were to be at once levied upon goods arriving in the Island of San Juan, and the Secretary of the Treasury had been urging the President to issue directions upon this subject.

I replied that I had no doubt that Her Majesty's Government had already taken measures with a view to leaving the island at the entire disposal of the Government of the United States, but that it was not likely that I should be informed by telegraph of the orders which had been given. Mr. Fish, however, expressed a wish to learn as soon as possible what had been done, and asked me to telegraph to your Lordship. It was in compliance with his request that I addressed to your Lordship my telegram of the 14th instant.

On receipt of your Lordship's telegram of the 16th instant, I communicated to Mr. Fish its substance, and he requested me to convey to your Lordship his acknowledgments for the letters which had been addressed by the Foreign Office to the Admiralty and the Colonial Department.

With reference to the proposal that the work of the Boundary Commission, which was interrupted in 1859, should at once be resumed, and should be completed by a map or chart showing the position of the boundary line through the Haro Channel under the Treaty of 1846 and the Emperor of Germany's Award, Mr. Fish said that he would, without loss of time, consult with the President, who, he had no doubt, would be disposed to recommend Congress, in his next Message to that Body, to authorize the appointment of a Commission for that purpose.

I have, &c.

(Signed) EDWD. THORNTON.

No. 19.

Sir E. Thornton to Earl Granville.—(Received December 8.)

My Lord, *Washington, November* 23, 1872.

ON the receipt of your Lordship's despatch of the 8th instant I addressed a note to Mr. Fish, copy of which I have the honour to inclose, conveying to him the substance of that despatch and of its inclosures.

On the same day, the 21st instant, I called upon Mr. Fish at the State Department, and he alluded to my note which he had just read. With reference to that part of it in which I informed him that Her Majesty's Government presumed that the surveys of the water boundary from the Gulf of Georgia to the ocean through the Haro Channel, which had already been made, would render it unnecessary for another Commission to meet on the spot, Mr. Fish said that he was much gratified to receive this suggestion from Her Majesty's Government which had not struck him before, but which, if carried out, would, he thought, save a great deal of trouble and expense, and would be completely satisfactory; indeed, without having consulted the President or having thought over the matter, his first idea was that a chart might be made here or in London, the boundary line laid down upon it, and the chart signed on behalf of each Government in duplicate.

Yesterday, I had the honour to receive your Lordship's telegram informing me of the orders given by the Admiralty for the withdrawal of the Royal Marines from the island of San Juan and of the reply which had been received from the Senior Naval Officer at Esquimalt. I called upon Mr. Fish to acquaint him with the contents of the telegram, and he begged me to convey to your Lordship his acknowledgments for the promptnesss with which these measures had been taken.

He again alluded to the Water Boundary, and said that, upon reflection, he believed that it was in accordance with rule and precedence that Congress should be asked to authorize the President to appoint a Commission for the purpose of settling this boundary, and a recommendation to that effect would be inserted in the President's Message.

Still the matter would be a very simple one; a chart could be prepared here in duplicate and the line laid down, and the charts could then be signed on behalf of each Government.

During the conversation, Mr. Fish produced a chart upon a pretty large scale about a quarter inch to the mile, made by the United States' Coast Survey, and on it he roughly drew with a pencil what he conceived to be the boundary line, and which coincided with my opinion upon the subject. I may describe it to your Lordship by referring to the map of the Haro and Rosario Straits, which formed Annex No. 3 of the case submitted by Her Majesty's Government to the Emperor of Germany.

The line thus roughly put down by Mr. Fish would begin at the point on the 49th parallel in the middle of the Gulf of Georgia; thence in a direction about east-south-east by south to a point opposite the entrance of Haro Channel; thence in a south-south-westerly direction between Tumbo and Saturna Islands on the right, and Patos Island on the left, to a point midway between Moresby and Stuart Islands; then in a direction about south-south-east by east, leaving Gooch, Sidney, and Darcy on the right, and Henry and San Juan Islands on the left, to a point in the middle of Juan de Fuca Strait; and thence along the middle of that strait to the ocean.

Mr. Fish added that he would give directions that a larger chart should be made, and that the line in accordance with the opinion of the United States' Government should be marked upon it; and that he would then hand it to me for transmission to your Lordship.

I have this evening received your Lordship's telegram of to-day informing me that the Admiralty had received a telegram repeating that the detachment of Royal Marines had evacuated San Juan, and I have communicated the information to Mr. Fish in a private note. The word "repeating" in your Lordship's telegram should probably be "reporting." Mr. Fish in reply, states that the United States' Government highly appreciates the spontaneous action of Her Majesty's Government in accepting the award.

I have, &c.
(Signed) EDWD. THORNTON.

P.S.—*November* 26. Since writing the above, I have received from Mr. Fish the note of which I have the honour to inclose a copy, in reply to mine of the 21st instant.

E. T.

Inclosure 1 in No. 19.

Sir E. Thornton to Mr. Fish.

Sir, *Washington, November* 21, 1872.

IN compliance with an instruction which I have received from Earl Granville, I have the honour to inform you that on the 7th and 8th instant his Lordship caused letters to be addressed to the Colonial Office and to the Admiralty, inclosing copies of the Award of the Emperor of Germany on the San Juan Water Boundary, and requesting that effect may be given to it with as little delay as possible by the withdrawal of the detachment of Royal Marines from the Island of San Juan, and the due notification of the award to the proper Colonial Authorities.

In accordance with the tenor of these letters, a copy of the Award will be forwarded to the Governor-General of the Dominion of Canada, and to the Lieutenant-Governor of British Columbia, with a request that proper notification of it may be made, and effect given to it.

The Admiralty will also communicate a copy of the Award with as little delay as possible to the Admiral in command of the Pacific Station, or to the Chief Naval Officer at Vancouver's Island, with instructions that, in accordance therewith, the detachment of Royal Marines now stationed at the Island of San Juan should be at once withdrawn. The Admiral or Chief Naval Officer will also be requested to convey to the officer in command of the detachment, and to the men under his orders, the appreciation of Her Majesty's Government of the harmonious manner in which the joint occupation has been conducted, which reflects the greatest credit on the officers and men of the occupying force of both countries.

Earl Granville has further instructed me to propose to the Government of the United States that the work of the Boundary Commission, which was interrupted in 1859, should be resumed and completed by the preparation of a map or chart showing the exact portion of the boundary line from the Gulf of Georgia through the Haro Channel to the ocean under the Treaty of 1846, and the Award of the Emperor of Germany.

Her Majesty's Government considers that, in compliance with the XXXVth Article of the Treaty of Washington, this should be done with as little delay as possible, in order to give effect to the Emperor's Award. It presumes that the surveys which have been already made will render it unnecessary for another Commission to meet on the spot, but it leaves the details of the arrangement to be made for the completion of the work of the Commission for further consideration.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 2 in No. 19.

Mr. Fish to Sir E. Thornton.

Sir, *Department of State, Washington, November* 23, 1872.

I HAVE the honour to acknowledge the receipt of your note of the 21st instant, in which you are pleased to inform me of the steps taken by Earl Granville to carry into effect the award made by the Emperor of Germany on the San Juan Water Boundary.

The prompt and spontaneous measures adopted by Her Majesty's Government for the final adjustment of the question are highly appreciated by this Government.

The proposition made by his Lordship, to the effect that the work of the Boundary Commission, which was interrupted in 1859, should be resumed and completed by the preparation of a map or chart showing the exact position of the line from the Gulf of Georgia through the Haro Channel to the ocean, under the Treaty of 1846, and the Award of the Emperor of Germany, meets the assent of this Government.

The Government of the United States entertains the same opinion as that expressed by Her Majesty's Government, that as little delay as possible should be incurred in giving effect to the Emperor's Award; and that the surveys which have already been made will render it unnecessary for another Commission to meet on the spot.

I have, &c.
(Signed) HAMILTON FISH.

No. 20.

Sir E. Thornton to Earl Granville.—(Received December 31.)

My Lord, *Washington, December* 16, 1872.

WHEN I ventured to trouble your Lordship with my telegram of the 12th instant, I had not yet received your despatch of the 29th ultimo relative to the water boundary through the Haro Channel, which did not reach me till the night of the 13th instant. On the receipt, however, of that despatch I felt that your Lordship would have no objection to the boundary line being laid down on a chart or map either in London or here without its being necessary to send a Commission to the spot.

I therefore called upon Mr. Fish on the following day and communicated to him the substance of the above-mentioned despatch. Mr. Fish said that, as the Session of Congress would be short, and there was a good deal of business before it, he should, being now aware of the feeling of Her Majesty's Government upon the subject, send to Congress on Tuesday (to-morrow) a Bill proposing to authorize the President to appoint as a Commissioner, either the Secretary of State, one of the Assistant Secretaries of State, or the United States' Minister in London, to co-operate with a Commissioner named by Her Majesty for the purpose of laying down on a chart or map the water boundary line through the Haro Channel to the sea. He should also ask for a small sum merely to cover any little expense connected with making the necessary charts.

Mr. Fish said that the United States' Government would have no objection to the chart in question being prepared and ultimately signed in London as well as the accompanying Protocol, and that the only reason for inserting in the Bill the names of some persons at Washington was the possibility that General Schenck might not be in London at the time.

Mr. Fish informed me that, in the meantime, he had given directions that the boundary line, as the United States' Government believed it to be, should be laid down on one of the maps annexed to the British Case submitted to the Emperor of Germany, and on a chart prepared by the United States' Coast Survey; and that when these two were ready, he would send them to me to be forwarded to England for your Lordship's inspection, or that of any other persons to whom you might wish to submit them for examination.

I beg to offer to your Lordship my acknowledgments for your answer to my telegram of the 12th instant, which reached me this afternoon.

I have, &c.
(Signed) EDWD. THORNTON.

No. 21.

Sir E. Thornton to Earl Granville.—(Received January 5, 1873.)

My Lord, *Washington, December 23, 1872.*

WITH reference to my despatch of the 16th instant, I have the honour to inform your Lordship that, during a visit which I paid to Mr. Fish on the 19th instant, he told me that it had been found more convenient to lay down the water boundary line through the Haro Channel on two of the Admiralty Charts, than on one of the maps annexed to the Case presented to the Emperor of Germany, or on the charts of the United States' Coast Survey. He then showed me the Admiralty charts in duplicate, with the boundary line marked on them, and said that he would put his initials upon them, and would send them to me in order that I might, after examining them, forward whichever I chose for your Lordship's inspection. He begged me to return the other set to him with my initials upon them.

As the two sets seemed precisely alike, I have done so, and have now the honour to transmit herewith the set which I selected. Mr. Fish suggested that if, after your Lordship had inspected these charts, and they had been examined by Admiral Prevost or any other person whom Her Majesty's Government should direct to do so, the boundary line should be pronounced to be correctly laid down, a single chart should be made either in England or here, on which the whole of the boundary line should be laid down in accordance with the two charts transmitted herewith. He further proposed that this new chart and an explanatory Protocol should be signed in duplicate at Washington by him and by any one else whom your Lordship might direct, and that one of the charts there signed should be transmitted to your Lordship.

The Bill to which I alluded in my above-mentioned despatch, but of which I have not yet been able to obtain a copy, was submitted to the House of Representatives on the 17th instant by General Banks, as Chairman of the Committee on Foreign Relations.

The first section proposes to authorize the President to appoint the Secretary of State, or either of the Assistant Secretaries, or the United States' Minister at London, or, in his discretion, by and with the advice of the Senate, to appoint a Commission, to act jointly with such officer or Commissioner as may be named by Her Majesty, for the purpose of completing the determination of so much of the boundary line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the Commissioner appointed under the Act of Congress of August 11, 1856, to carry into effect the 1st Article of the Treaty of the 15th of June, 1846, between the United States and Great Britain.

The 2nd section of the Bill appropriates the sum of 5,000 dollars, or so much thereof as may be required to carry into effect the provisions of the Act.

After the Bill had been read a first and second time, General Banks proposed that it should be at once taken into consideration. This motion was agreed to; the Bill was read a third time and passed.

It was forwarded to the Senate, where action will probably be taken upon it soon after Congress shall reassemble on the 6th of next month.

I have, &c.

(Signed) EDWD. THORNTON.

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